

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JAMES VEAZEY, individually and on
behalf of all others similarly situated

Plaintiff,

v.

SEACOR HOLDINGS, INC., SCF
WAXLER MARINE LLC, and SCF
MARINE INC.

Defendant

CASE NO. 3:13-cv-00384

JURY TRIAL DEMANDED

ORDER GOVERNING NOTICE AND STAY

Plaintiff's Complaint alleges that he and other vessel tankermen employed by one or more of the Defendants qualified for but did not receive overtime pay under the Fair Labor Standards Act (FLSA). Defendants have denied any of them violated the FLSA or owe overtime pay or other damages under the FLSA.

Plaintiff claims that other vessel tankermen employed by one of more of the Defendants are similarly situated so that this case should proceed as a collective action. Defendants deny that this case is appropriate for collective action and argue that if conditionally certified, the class should be limited to those individual who did not receive notice in *Rainbolt v. Seacor Holdings, Inc.*, Case No. 3:12-cv-12 (S.D.Tex.). Defendants further argue any conditionally certified class should ultimately be decertified.

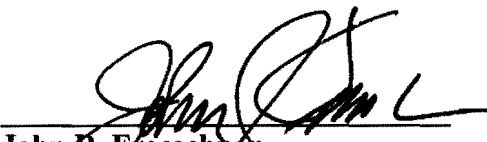
Over Defendants' objections, the Court has directed the parties to proceed with the process of notifying other vessel tankermen of the pendency of this case. In compliance with the Court's order

of April 4, 2014 Defendants produced to Plaintiff's counsel a list of all vessel tankermen employed by Defendant SCF Waxler Marine LLC in the last 3 years.

It is therefore ORDERED that (a) Plaintiff's counsel may mail and email, to the tankermen on the list, a notice substantially identical (changing the caption, names, and dates, as appropriate) to the one approved by the Court in the case of *Rainbolt v. Seacor Holdings et al*, Case No. 3:12-CV-12 (S.D.Tex) (Costa, D.J.) at ECF # 6, (b) those to whom the notice is mailed should be given sixty (60) days in which to opt-in to this case by signing the consent form that is part of Attachment A and returning it to Plaintiff's counsel for filing with the Court, and (c) Plaintiff's counsel may mail and email a second identical copy of the notice/consent form to the tankermen reminding them of the deadline for submission of the Consent forms.

Except for proceeding with the notice and opt-in procedure as described herein, all other activity should be stayed pending the outcome of the appeal in *Coffin v. Blessey Marine Services, Inc.*, No. 4:11-CV-214, S.D. Texas (Atlas, D.J.).

Entered this 25th day of April, 2014.


John R. Froeschner
United States Magistrate Judge